

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JASON K. SIMPSON,

Plaintiff(s),

v.

S. DEVORE, et al.,

Defendant(s).

Case No. 2:16-CV-2981 JCM (VCF)

ORDER

Presently before the court is Magistrate Judge Ferenbach's report and recommendation that plaintiff Jason Simpson's complaint be allowed to proceed. (ECF No. 3). No timely objections have been filed to the report and recommendation.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party fails to object to a magistrate judge's report and recommendation, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any issue that is not the subject of an objection.").

Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine whether to adopt the recommendation of the magistrate judge.

1 This court finds that the magistrate judge has correctly articulated and applied the standards
2 and holdings of *Graham v. Connor*, 490 U.S. 386, 396 (1989); *United States v. Koon*, 34 F.3d
3 1416, 1447 (9th Cir. 1994); and *In re Crawford*, 194 F.3d 954, 958 (9th Cir. 1999); *see also* (ECF
4 No. 3). Additionally, the magistrate judge's characterization of plaintiff's complaint against
5 defendant law enforcement officers is accurate. (ECF No. 3).

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
8 recommendation of Magistrate Judge Ferenbach (ECF No. 3) be, and the same hereby are,
9 ADOPTED in their entirety.

10 DATED February 2, 2017.

11 
12 _____
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28